

## **REMARKS**

**[0003]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-23 are presently pending. Claims amended herein are 1-3, 7-9, 11, 14-16, 18, 20-23. Claims withdrawn or cancelled herein are none. New claims added herein are none.

### **Statement of Substance of Interview**

**[0004]** The Examiner graciously talked with me Kasey Christie and Clay Hagler, on September 11<sup>th</sup> 2007. The Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

**[0005]** During the interview, I discussed how the claims differed from the cited art, namely Kramer. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

**[0006]** The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to distinguish over the cited art of record. For example, the Examiner indicated that the clarification regarding the discovery element distinguished claims 1, 7, 14, 20 over the cited art. However, the Examiner indicated that he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

**[0007]** The Examiner also indicated that the proposed amendments to the claims appeared to resolve the informalities objected to. He requested that the proposed amendments be presented in writing.

**[0008]** The Examiner was receptive to the proposed amendments to the specification to overcome his section 101 rejection. Again, the Examiner requested that the proposed amendment be presented in writing.

**[0009]** The Examiner was receptive to the proposed amendments to the claims directed toward overcoming the Section 112 indefiniteness rejection. The Examiner requested that the proposed amendments be presented in writing.

**[0010]** Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

### **Formal Request for an Interview**

**[0011]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0012]** Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

## **Claim Amendments and Additions**

**[0013]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1-3, 7-9, 11, 14-16, 18, 20-23 herein.

## **Formal Matters**

**[0014]** This section addresses any formal matters (e.g., objections) raised by the Examiner.

## **Claims**

**[0015]** The Examiner objects to claims 1, 7, 14, 20 for issues with clarity. Herein, Applicant amends these claims, as shown above, to correct the informalities noted by the Examiner.

**[0016]** The Examiner accurately notes that "claims 20-23 recite limitations that are presumed to invoke 35 USC 112, 6<sup>th</sup> paragraph." The Applicant does so intend to invoke 35 U.S.C. 112, 6<sup>th</sup> paragraph and thanks the Examiner for highlighting the respective guidelines presented in MPEP 2181.

## **Substantive Matters**

### **Claim Rejections under § 112**

[0017] Claims 2-3, 8-9, 15-16, 21-22 are rejected under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Claim Rejections under § 101**

[0018] Claims 7-13 are rejected under 35 U.S.C. § 101. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of § 101 and that the § 101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0019] If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

## **Claim Rejections under § 102**

**[0020]** Claims 1-23 are rejected under 35 U.S.C. § 102. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Dependent Claims 2-6, 8-13, 15-19, 21-23**

**[0021]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## **Conclusion**

[0022] All pending claims are now in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 10-12-07

By: \_\_\_\_\_

Kasey Christie  
Reg. No.40,559  
(509) 324-9256 x232  
[kasey@leehayes.com](mailto:kasey@leehayes.com)  
[www.leehayes.com](http://www.leehayes.com)

My Assistant: Carly Bokarica  
(509) 324-9256 x264  
[carly@leehayes.com](mailto:carly@leehayes.com)